



~~August 20, 2002 CPC~~  
~~October 15, 2002 CPC~~  
~~November 19, 2002 CPC~~  
~~December 18, 2002 BS~~  
~~March 18, 2003 CPC~~  
~~May 20, 2003 CPC~~  
~~June 17, 2003 CPC~~  
July 23, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

02SN0237  
(Amended)

Roper Brothers Lumber Co., Inc.  
and  
Nash Road/Woodpecker Road, LLC

Dale and Matoaca Magisterial Districts  
North and South lines of Woodpecker Road

**REQUEST:** (Amended) Rezoning from Agricultural (A) to Residential (R-88) of 620.9 acres plus proffered conditions on an existing zoned Residential (R-25) 872 acre tract.

**PROPOSED LAND USE:**

A single family residential subdivision is planned on that portion of the property proposed to be rezoned from Agricultural (A) to Residential (R-88) and continued residential development for expansion of the Highlands Subdivision is proposed on that part of the property already zoned Residential (R-25). A total of 1,250 dwelling units is proposed (Proffered Condition 3). A maximum overall density of 0.5 dwelling units per acre for that part of the property proposed to be rezoned to Residential (R-88) has been proffered yielding approximately 310 dwelling units on that part of the property (Proffered Condition 3). If 310 units are developed on the property which is proposed to be rezoned to R-88, 940 units would be permitted on that part of the property already zoned R-25 yielding a density of 1.08 dwelling units per acre on that part of the property. A maximum of 1,250 dwelling units would be allowed on both tracts yielding an overall density of 0.84 units per acre.

## PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 5.

### STAFF RECOMMENDATION

Recommend approval, subject to the applicants fully addressing the impacts on capital facilities. This recommendation is made for the following reasons:

- A. The proposed zoning complies with the Southern and Western Area Plan which suggests the subject property is suitable for residential use of 1 to 5 acre lots (suited for Residential (R-88) zoning).
- B. The proffered conditions do not fully address the impacts of the (R-88) development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Capital Improvement Program. The impact of this development is discussed herein. The proffered conditions adequately address the impact of this proposed development on transportation facilities; however, fail to address the impact on schools, parks, libraries and fire station facilities. The proffered conditions do not fully mitigate the impact on these capital facilities, thereby not assuring adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION, HOWEVER THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 761-643-6618, (Parcel "A"), and Tax ID 764-639-4424, (Parcel "B") (the "Property") under consideration will be developed according to the following conditions and that Condition 1 of Zoning Case 88SN0148 will be amended by condition 3 below, for the request property only, Tax ID 786-646-4472, (Parcel "C-1") if, and only if, the rezoning request for R-88 and the amendment to case 88SN0148 are granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

This application contains one exhibit described as follows:

Exhibit A – The plan titled “Zoning Plan” dated March 15, 2002.

(STAFF/CPC) 1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

(STAFF/CPC) 2. Transportation.  
Dedications. In conjunction with recordation of the initial subdivision plat, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- (a) Forty-five (45) feet of right of way, on the south side of Woodpecker Road and on the west side of Cattail Road, measured from the centerline of that part of the roads immediately adjacent to the property; and
- (b) a two hundred (200) foot wide limited access right-of-way for an east/west freeway (“East/ West Freeway”) through the southeastern part of the property. The exact location of this right-of-way shall be approved by the Transportation Department. There shall be no such requirement to dedicate such right-of-way, if prior to recordation of the initial subdivision plat, the Board of Supervisors approves an alternative location for the East/ West Freeway that does not extend across the property.

Accesses: Direct access from the property to Woodpecker Road and Cattail Road shall be limited to two (2) public roads onto each roadway; for a total of four accesses. The exact location of these accesses shall be approved by the Transportation Department.

Road Improvements. To provide for an adequate roadway system, the developer shall be responsible for the following:

- (a) Construction of additional pavement along Woodpecker Road and Cattail Road at each approved

access to provide left and right turn lanes, based on Transportation Department standards;

- (b) Relocation of the ditch to provide an adequate shoulder along the south side of Woodpecker Road and along the west side of Cattail Road for the entire property frontage; and
- (c) Reconstruction of Nash Road as a two-lane roadway, based on VDOT Urban Collector Standards (40 MPH) and on a ten (10) year storm design criteria with modifications approved by the Transportation Department, from the intersection of Highland Glen Drive to the Eastfair Drive Intersection.
- (d) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the right-of-way necessary for the road improvement identified in Proffered Condition 2.(c), the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.
- (e) Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 2, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of the initial subdivision plat, the developer shall; 1) prepare and have approved construction plans for the road improvements outlined in Proffered Condition 2.(c); and 2) submit a letter of credit to the County for the cost to construct the road improvements outlined in Proffered Condition 2.(c) including the cost of acquire all necessary right-of-

way for said improvements. The approved phasing plan shall also require the road improvements outlined in Proffered Condition 2.(c) to be completed prior to the recordation of more than accumulative total of 50 lots or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first. (T)

Transportation Phasing Plan.

Prior to any road and drainage plan approval, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department. (T)

(STAFF NOTE: Proffered Conditions 1 and 2 apply only to Parcels A and B on Exhibit A.)

(STAFF/CPC)

3. Density. The total number of single family residential units on Parcels A and B shall not exceed an overall density of 0.5 single family residential unit per acre. The total number of single family residential units developed cumulatively on Parcels A, B and C-1 shall not exceed 1250 single family residential units. (Note: This proffered condition modifies Proffered Condition 1 of Case 88SN0148, for parcel C-1 only. The total number of units permitted in the land area which was the subject of Case 88SN0148 remains at 2000 units. (P)

(STAFF NOTE: Proffered Condition 3 applies to Parcels A, B and C-1 on Exhibit A.)

(STAFF/CPC)

4. (a) On or before the issuance of the 100<sup>th</sup> building permit on Parcels A and B on Exhibit A, developers shall either: 1) apply for a Conditional Use on Parcels A and/or B on Exhibit A to permit recreational facilities which shall include a minimum 4,000 gross square foot multi-purpose building; or 2) submit a site plan on a part of Parcel C-1 on Exhibit A for a minimum 4,000 gross square foot multi-purpose building.  
  
(b) The developers shall obtain certificates of occupancy for said multi-purpose building within 18 months of the issuance of the 100<sup>th</sup> residential building permit on Parcels A and B on Exhibit A. Otherwise no further residential building permits shall be granted on Parcels A and B on Exhibit A until such certificates of occupancy have been granted.

## GENERAL INFORMATION

### Location:

North and south lines of Woodpecker Road, and west line of Cattail Road. Tax IDs 761-643-6618, 764-639-4424 and 768-646-Part of 4472 (Sheet 33).

### Existing Zoning:

A and R-25

### Size:

1492.9 acres

### Existing Land Use:

Vacant

### Adjacent Zoning and Land Use:

North and East – A and R-25; Single family residential or vacant

South – A; Single family residential or vacant

West - A, R-15 and R-25 – Single family residential or vacant

## UTILITIES

### Public Water System:

The property currently zoned Residential (R-25) was zoned as part of the “Highlands” development in 1989 (Case 88SN0148). Use of the public water system was required by County Code at the time of that zoning approval and is still required by County Code.

There is an existing twelve (12) inch water line extending along Nash Road that terminates adjacent to Applecross Way, approximately 4,500 feet northwest of the part of the request property currently zoned Agricultural (A) and proposed for rezoning to Residential (R-88). In addition, there is a thirty (30) inch water line at the intersection of Woodpecker and Bradley Bridge Roads, approximately 13,000 feet east of this portion of the request site. Use of the public water system is required by County Code.

### Public Wastewater System:

The public wastewater system is not available to serve this site. The request site lies within that portion of the Southern and Western Area Plan which suggests that Residential (R-88) zoning and development with use of private septic systems is appropriate.

### Private Septic System:

Prior to recordation of a subdivision plat, soils analysis for each lot must be submitted to the Health Department for review and approval.

## ENVIRONMENTAL

### Drainage and Erosion:

The portion of the property currently zoned Residential (R-25) was originally zoned in 1989 (Case 88SN0148) as part of the "Highlands" development. At that time, proffered conditions were accepted which required on-site retention (Condition 14 of Case 88SN0148). This condition would not be altered by this request.

The portion of the property currently zoned Agricultural (A) and proposed for rezoning to R-88 drains southwest and southeast into either a perennial stream or into Lake Margaret. There are currently no on- or off-site drainage or erosion problems and none are anticipated with development. To insure that adequate erosion control measures are in place prior to any timbering, there should no timbering without first obtaining a land disturbance permit from the Environmental Engineering Department. (Proffered Condition 1 – Parcels A and B)

### Water Quality:

Some of the property currently zoned Residential (R-25) is encumbered by Resource Protection Areas. (RPA's)

A Resource Protection Area (RPA) exists along the southwestern property line and along fifty (50) percent of the southeastern property line of the portion of the request property currently zoned Agricultural (A).

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and further detailed by specific departments in the applicable sections of this "Request Analysis." This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 310 additional dwelling units proposed on the portion of the request property proposed for R-88 zoning beyond the number of dwelling units that are already allowed on the portion of the property already zoned Residential (R-25), this request will generate approximately ten (10) calls for fire and EMS services each

year. The applicant has not addressed the impact on fire service for that portion of the property proposed to be rezoned from Agricultural (A) to Residential (R-88).

The Phillips Volunteer Fire Station, Company Number 13, currently provides fire protection. The Airport Fire/Rescue Station, Company 15, provides emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

#### Schools:

In addition to the students which will be generated by development of the portion of the property already zoned R-25, approximately 166 students will be generated by the development of the Agricultural (A) zoned property proposed for R-88 zoning. The current school attendance line is Woodpecker Road. If the attendance lines are not modified, the schools for the part of the property currently zoned Residential (R-25) will be as follows: Gates Elementary School attendance zoned: capacity 720, enrollment – 872; Salem Middle Schools zone: capacity – 1,030, enrollment – 1,195. The schools for that portion of the property proposed to be rezoned from A to R-88 will be: Ettrick Elementary school attendance zone: capacity – 650, enrollment – 502; Matoaca Middle School zone: capacity – 720 , enrollment – 608. Currently, there are seven (7) trailers at Gates Elementary and thirteen (13) trailers at Salem Middle School. The entire property lies within the Matoaca High School zone: capacity - 1,750, enrollment – 990.

The students generated by development of the property proposed for rezoning from A to R-88 would create significant enrollment increases at the elementary, middle and high school levels. The applicant has not adequately addressed the impact of development of the property currently zoned A on school facilities. (Proffered Condition 5)

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Taking into account the facility improvements that have been made since the Public Facilities Plan was published, there is still an unmet need for additional library space throughout the County.

Development of the property noted in this case would most likely affect the Central Library. The Plan identifies a need for additional space at the Central Library. The applicant has not addressed the impact of development of the part of the property proposed for rezoning from Agricultural (A) to Residential (R-88) on library facilities. (Proffered Condition 5)



### Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and make suggestions for their locations. The Parks and Recreation Master Plan has identified this general area for a community park.

The applicant has not offered measures to assist in addressing the impact of the development of the part of the property proposed for rezoning from Agricultural (A) to Residential (R-88) on parks and recreation facilities.

### Transportation:

This request consists of approximately 1,492 acres. The applicant has submitted a map (Exhibit A) that subdivides the property into several parcels; Parcels A, B and C-1. Parcels A and B, consisting of approximately 625 acres, are located on the south side of Woodpecker Road and on the west side of Cattail Road. The applicant is requesting rezoning of these parcels from Agricultural (A) to Residential (R-88). The balance of the property (Parcel C-1) is located on the north side of Woodpecker Road. Parcel C-1 is currently zoned Residential (R-25), and is part of the planned Highlands Subdivision. The applicant has included this parcel for the purpose of establishing a density of the property that will not exceed 1,250 single family residential units (Proffered Condition 3 – Parcels A, B and C-1). Based on single family trip rates, development of all the property could generate approximately 10,590 average daily trips. Proffered Condition 3 also limits development of Parcels A and B to a density of a half (0.5) single family residential unit per acre. Based on single family trip rates, development of just Parcels A and B could generate approximately 2,960 average daily trips. These vehicles will be distributed along Cattail Road which had a 2000 traffic count of 1,042 vehicles per day, and along Woodpecker Road and Nash Road which had 2002 traffic counts of 1,522 and 3,378 vehicles per day, respectively.

The Thoroughfare Plan identifies Woodpecker Road and Cattail Road as major arterials with recommended right of way widths of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Woodpecker Road and Cattail Road, in accordance with that Plan for that portion of the property proposed to be rezoned from A to R-88. (Proffered Condition 2 - Parcels A and B)

The Thoroughfare Plan also identifies an east/west limited access facility (“the East/West Freeway”), with a recommended right of way width of 200 feet, extending from Hull Street Road (Route 360) to Interstate 95. The alignment of this roadway extends through Parcel B. The Southern and Western Area Plan suggests that most of this area of the County is appropriate for residential development on one (1) to five (5) acre lots suited for Residential (R-88) zoning, with one (1) regional mixed-use center, generally located along the

East/West Freeway just west of Branders Bridge Road. A large percentage of the Southern and Western Area Plan is identified as a Rural Conservation Area, which indicates that planned development should be deferred. The "build-out" map that is included in the Southern and Western Area Plan indicates that most of the rural conservation area may be appropriate for residential development at 1.01 to 2.5 units per acre with two (2) additional regional mixed-use centers along the East/West Freeway. The East/West Freeway is included in the Thoroughfare Plan to improve access to this area, especially the regional mixed-use centers, and serve as a major traffic reliever. Without this Freeway, area roads, even if improved, may not be able to handle the increased traffic volumes as the County continues to develop. The applicant has proffered to dedicate a 200 foot wide right of way for the East/West Freeway through the southeastern part of the property (Proffered Condition 2 – Parcels A and B). According to the proffer, if the Board of Supervisors approves an alternative alignment for the East/West Freeway that does not extend across the property, the developer would be relieved of the requirement to dedicate the right of way. (Proffered Condition 2 – Parcels A and B)

The Subdivision Ordinance requires a setback of 200 feet, exclusive of required yards, from the East/West Freeway right of way, unless a noise study demonstrates that a lesser distance is acceptable. Natural vegetation must be retained within the setback area.

Access to major arterials, such as Woodpecker and Cattail Roads, should be controlled. For that portion of the property proposed to be rezoned to R-88, the applicant has proffered that direct access to Woodpecker and Cattail Roads will be limited to two (2) public roads onto each roadway, for a total of four (4) accesses. (Proffered Condition 2 – Parcels A and B)

The Subdivision Ordinance requires that subdivision streets conform to the Planning Commission's Stub Road Policy which suggests that traffic volumes on those streets not exceed 1,500 vehicles per day. It may be necessary for the developer to provide no-lot frontage streets (i.e., residential collectors) through part of Parcels A and B.

As previously noted, Parcel C-1 is part of the Highland Subdivision. In 1989, the Board of Supervisors approved the rezoning for the Highland Subdivision (2,441 acres), and accepted several transportation related proffers. These proffered conditions include right of way dedication, shoulder improvements and turn lanes along Nash Road and Woodpecker Road; and construction of two (2) Thoroughfare Plan roads through the development. This request will not affect those previously accepted proffers.

The traffic impact of this development must be addressed. For that portion of the property proposed to be rezoned R-88; the applicant has proffered to: 1) construct left and right turn lanes along Woodpecker Road and Cattail Road at each public road intersection, based on Transportation Department standards; and 2) relocate the ditch to provide an adequate shoulder along the south side of Woodpecker Road and along the west side of Cattail Road for the entire property frontage (Proffered Condition 2 – Parcels A and B). Utility poles are located on the south side of Woodpecker Road and on the west side of Cattail Road approximately five (5) to ten (10) feet from the existing edge of pavement. To provide an

adequate shoulder along the property frontage, these utility poles must be relocated behind the new ditch.

The Thoroughfare Plan identifies the need to improve existing roads, as well as construct new roads to accommodate growth. Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Sections of Woodpecker and Cattail Roads have nineteen (19) to twenty (20) feet wide pavement with no shoulders. Sections of Nash Road range from eighteen and a half (18.5) feet wide pavement with no shoulders, to twenty-two (22) feet wide pavement with six (6) feet wide shoulders. Sections of Nash Road have substandard vertical and horizontal alignments with obstructions, generally large trees and high earth banks, located close to the edge of pavement. Based on the current volume of traffic during peak hours, sections of Nash Road are at capacity (Level of Service E). The standard typical section for these types of roadways should be twenty-four (24) feet wide pavement, with minimum eight (8) feet wide shoulders. Woodpecker, Cattail and Nash Roads will be directly impacted by development of this property.

The applicant has proffered that in conjunction with initial development of the property, Nash Road from the Highland Glen Drive intersection to the Eastfair Drive intersection will be reconstructed as a two (2) lane roadway (Proffered Condition 2.(c)). According to the proffered phasing plan, this road improvement must be completed prior to recordation of more than fifty (50) lots or within one (1) year from the date of recording the initial subdivision plat, whichever occurs first. (Proffered Condition 2.(e))

The developer may need to acquire "off-site" right of way in order to provide this improvement. According to the proffer, if the developer is unable to acquire the right of way for reconstructing Nash Road, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way, and will only be obligated to construct road improvements within available right of way. (Proffered Condition 2.(d))

Proffered Condition 2, addresses the impact of this proposed development in accordance with the Board of Supervisors' policy.

Financial Impact on Capital Facilities:

		<u>PER UNIT</u>
Potential Number of New Dwelling Units	310*	1.00
Population Increase	846.30	2.73
Number of New Students		
Elementary	75.64	0.24
Middle	40.30	0.13
High	49.60	0.16
TOTAL	165.54	0.53
Net Cost for Schools	1,114,760	3,596
Net Cost for Parks	251,720	812
Net Cost for Libraries	87,420	282
Net Cost for Fire Stations	97,650	315
Average Net Cost for Roads	887,530	2,863
TOTAL NET COST	2,439,080	7,868

\*Based on a proffered maximum density of 0.5 units per acre on Parcels A and B. (Proffered Condition 3)

The need for schools, parks, libraries, fire stations and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan, and Adopted Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis.

As noted, this proposed development of the portions of the property proposed for rezoning from A to R-88 will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$7,868 per unit. The applicant has been advised that a maximum proffer of \$7,800 per unit for that part of the development proposed for rezoning from A to R-88 would defray the cost of the capital facilities necessitated by this proposed development.

Staff has reviewed this application under the Board's policy adopted in August 2002, resulting in a maximum increase of 310 dwelling units that will create an impact on capital facilities.

The applicant has proffered to make road improvements to assist in defraying the cost of this proposed zoning on such capital facilities. The proffered conditions adequately address the impact of this proposed development on transportation facilities in accordance with the Board of Supervisors' policy; however, fail to address the impact of this development on schools, parks,

libraries and fire station facilities. Accordingly, the County's ability to provide capital facilities to its citizens will adversely impacted.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and its has been determined that it is appropriate to accept the maximum cash proffer in this case.

The Planning Commission and the Board of Supervisors, through their consideration of this request, may determined that there are unique circumstances relative to this case that may justify acceptance of the proffers as offered.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning.

### Area Development Trends:

Properties generally surrounding the request property are zoned Agricultural (A) and are occupied by agricultural and large-lot single family residential uses, with the exception of the Highlands Subdivision located generally north and west of the request property. The Highlands Subdivision is zoned Residential (R-25) and developed for single family residential uses. Amstel Bluff Subdivision which is zoned Residential (R-25) is east of the request property and is developed for single family residential use. It is anticipated that larger-lot residential development will continue in the area on properties zoned Residential (R-88) as recommended by the Plan or on properties where a rural conservation design, intended to protect the rural character of the area as recommended by the Plan, is employed.

### Zoning and Plan History:

The 872 acre portion of the request property that is already zoned Residential (R-25) was zoned as part of a 2,441 acre tract commonly known as the Highlands Development (Case 88SN0148). On March 22, 1989, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning of the 2,441 acre tract from Agricultural (A) to Residential (R-25) with a Conditional Use to permit single family residential development with outdoor recreational facilities. The Board's approval was subject to numerous proffered conditions addressing transportation, environmental, and land use concerns relative to buffers, phasing development, signage, lighting and parking. In addition, development of the property for residential use was limited to 2,000 dwelling units, yielding a density of 0.82 dwelling units per acre for the entire Highlands development. Further, through this zoning case, the applicant dedicated 54.3 acres for use as a school site and 5 acres for use as a fire station. Subsequently, the Southern and Western Area Plan was

adopted. The adopted Plan now suggests that the Highlands is appropriate for development of one (1) to five (5) acre lots suited for Residential (R-88) zoning.

Current Proposal:

As noted above, the original zoning for the entire Highlands development permitted a maximum of 2,000 dwelling units to be developed on a 2,441 acre parcel. The applicants have indicated that the land area included in this request, which is already zoned R-25, will accommodate 1,250 of the original 2,000 permitted dwelling units. With this request, the applicants have proffered that the total number of lots that will be developed on the remaining portion of the Highlands property (the portion of the request property currently zoned Residential (R-25)) and on the property proposed for rezoning from Agricultural (A) to Residential (R-88) will not exceed 1,250 (Proffered Condition 3 – Parcels A, B and C-1). The applicants are proposing that they be given a credit towards the financial impact of the development on the Agricultural (A) and Residential (R-25) property because no more dwelling units will be permitted than those already allowed by the Highlands original zoning.

It is important to note that a large portion of the remaining Highlands property contains environmentally sensitive areas such as streams and Resource Protection Areas (RPA's).

Density and Minimum Lot Areas:

As noted, a maximum of 1,250 dwelling units would be permitted on both the remaining Highlands property (the portion of the request property already zoned Residential (R-25)) and the portion of the request property proposed for rezoning from A to R-88 (Proffered Condition 3) yielding an overall density of 0.84 dwelling units per acre. (Proffered Condition 3, Parcels A, B and C-1)

The applicant has proffered a maximum density of 0.5 units per acre on the portion of the request property proposed for rezoning from Agricultural (A) to Residential (R-88) (Proffered Condition 3 – Parcels A, B and C-1). This results in a maximum of 310 lots that may be developed on this portion of the request property. (Tax IDs 761-643-6618 and 764-639-4424)

The limitation on the maximum of 1,250 of lots on the entire request property and the maximum density of 0.5 dwelling units per acre proffered on the portion of the property proposed for rezoning from A to R-88, limit the number of dwelling units that may be developed on the remaining Highlands property to 940 dwelling units. This yields a density on this portion of the request property of approximately 1.1 dwelling units per acre.

The Residential (R-88) District requires that each lot contain a minimum of 88,000 square feet, except that under certain circumstances specified in the Ordinance regarding density calculations and open space preservation, the minimum lot areas may be reduced to 65,340 and one (1) acre. These minimum lots sizes, net density calculations and open space preservation provisions are intended to preserve the environmental and visual amenities of

the southern and western areas of the County as recommended by the Plan such as the forested views and rural character along the roadways. The subdivision layout and design, including the minimum lot areas and open space calculations, are reviewed during the County's approval of the subdivision plats.

In an attempt to address concerns expressed by current residents of the Highlands Subdivision, the applicants have proffered that recreational facilities which include an activities center will be constructed within eighteen (18) months of the issuance of the 100<sup>th</sup> building permit on Parcels A and B (Proffered Condition 4 – Parcels A, B and C-1). Proffered Condition 4 will be difficult for Staff to track because the number of building permits released per development is not normally tracked on a daily basis. Staff would prefer that Proffered Condition 4 be amended to link construction of the activities center be linked to recordation of a certain number of lots rather than the issuance of a certain number of building permits. It should be noted that in order to locate recreational uses on Parcels A and/or B, a Conditional Use must first be obtained. As previously noted, the original zoning (Case 88SN0148) did include approval of a Conditional Use to permit recreational uses on a part of Parcel C-1 of this request, therefore, if the proposed recreational facilities will be located on Parcel C-1, approval of a site plan and building permit would be required for the activities center provided there is remaining acreage available within the Highlands (Parcel C-1) which has Conditional Use approval. (Proffered Condition 4 – Parcels A, B and C-1)

### CONCLUSIONS

While the request complies with the Southern and Western Area Plan which suggests the subject property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning, the proffered conditions do not fully address the impacts of development of the property proposed for rezoning from Agricultural (A) to Residential (R-88) on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Capital Improvement Program. The impact of this development is discussed herein. The proffered conditions do not fully mitigate the impact of the development of the property proposed for rezoning from A to R-88 on these capital facilities, thereby not assuring adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Given these considerations, denial of this request is recommended.

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### CASE HISTORY

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Planning Commission Meeting (8/20/02):

At the applicants' request, the Commission deferred this case to October 15, 2002.

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Staff (8/21/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than August 26, 2002, for consideration at the Commission's October 15, 2002, public hearing.

Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's October public hearing.

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Applicants (9/5/02):

The applicants paid the \$250.00 deferral fee.

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Staff (9/23/02):

To date, no new or revised information has been submitted by the applicants.

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Applicants (10/14/02):

The applicants submitted revised and additional proffered conditions relative to the provision of recreational facilities, the East/West Freeway, lot sizes and retention of vegetation along Woodpecker and Cattail Roads.

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Planning Commission Meeting (10/15/02):

On their own motion, the Commission deferred this case to November 19, 2002.

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Staff 10/16/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than October 21, 2002, for consideration at the Commission's November 19, 2002, public hearing.

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Staff (10/21/02):

To date, no new or revised information has been received.

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Planning Commission Meeting (11/19/02):

The applicants did not accept the recommendation. There was support for, and opposition to, the request present. Those who spoke in support indicated it would be appropriate to expand the Highlands and that the development would increase property values. Those opposed noted that the request does not comply with the Plan, and expressed concerns relative to preserving the area's rural character and increased traffic volumes on existing roads.

Mr. Gulley indicated that the Commission should be consistent with decisions where requests do not comply with the Plan further providing that if the Plan needs to be amended then such amendment should occur before a case is approved. In addition, he expressed concerns about increased traffic on existing narrow roads.

Mr. Cunningham questioned whether this request met the intent of the Plan which was a similar issue in a recent case in his District.

Mr. Gecker provided that exceptions to the Plan considered favorably by the Commission most often occur as a result of a change in the surrounding area or when neighbors say a change in the Plan is justified. He provided he could not find a compelling reason to justify a deviation from the Plan. He expressed his concerns that the fiscal impacts of this development had not been addressed and that existing roads are unsafe.

Mr. Litton stated the proposed development would be of the same quality as the Highlands. He indicated he felt the applicants need to address their impacts on capital facilities and that he would support a minimum lot size of one and one-half acre lots.

Mr. Stack indicated he believed some exceptions, such as varying topography, are applicable in this case to justify deviation from the Plan. However, he provided that deviating from R-88 as recommended by the Plan should not be considered a precedent for future actions in the area. He provided that the proffered conditions will protect the rural character by providing large lots with buffers along Woodpecker and Cattail Roads. Further, he provided that the planned thoroughfare road through the Highlands would alleviate some of the traffic along Nash Road. He stated he could support the request provided the applicants fully address their impacts on capital facilities.

Mr. Stack made a motion to recommend approval and acceptance of the proffered conditions and that the Board be advised that the applicants should address their impact on capital facilities. His motion was seconded by Mr. Litton. The vote on the motion was as follows:

AYES: Messrs. Litton and Stack.

NAYS: Messrs. Gecker, Cunningham and Gulley.

On a subsequent motion of Mr. Gecker, seconded by Mr. Gulley, the Commission recommended denial of this request.

AYES: Messers. Gecker, Cunningham, and Gulley  
NAYS: Messers. Litton and Stack

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Applicants (12/6/02):

A deferral to the Board's January 22, 2003, meeting was requested.

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Applicants (12/11/02):

The applicants withdrew their request for a thirty (30) day deferral and stated their intent to consent to the Board of Supervisors remanding the Case back to the Planning Commission.

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Board of Supervisors Meeting (12/18/02):

The Board remanded the Case to the Planning Commission.

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Applicants (1/9/03):

The application was amended to request rezoning from Agricultural (A) to Residential (R-88). The applicants submitted an additional proffered condition to provide a cash payment towards the development's impact on capital facilities and revised the proffered condition relative to the provision of recreational facilities.

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Applicants (2/26/03):

The applicants revised Proffered Condition 4 relative to the provision of a multi-purpose recreational building.

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Planning Commission Meeting (3/18/03):

At the applicants' request, the Commission deferred this case to May 20, 2003.

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Staff (3/19/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than March 24, 2003, for consideration at the Commission's May 20, 2003, public hearing.

Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's May public hearing.

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Applicants (4/7/03):

The applicants paid the \$250.00 deferral fee.

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Staff (4/24/03):

To date, no new or revised information has been submitted.

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Planning Commission Meeting (5/20/03):

On their own motion, the Commission deferred this case until their June 17, 2003, meeting.

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Staff (5/21/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than Tuesday, May 27, 2003, for consideration at the Commission's June 17, 2003, public hearing.

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Staff (5/27/03):

To date, no new or revised information has been submitted.

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Applicants (6/9/03):

To address concerns of the Dale and Matoaca District Commissioners, staff and area citizens relative to the development's impact on capital facilities and increased traffic on existing roads in the area, the applicants amended Proffered Condition 2 and withdrew Proffered Condition 5 relative to reconstruction of Nash Road.

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Planning Commission Meeting (6/17/03):

The applicants accepted the Commission's recommendation, but not staff's recommendation.

The applicants provided the development will not increase the number of units permitted for the Highlands Development, noting school and fire station sites were dedicated with that case. In addition, the applicants noted that recreational uses are provided with the Highlands and with the proffered reconstruction of Nash Road, the applicants are addressing their impacts on capital facilities.

A citizen expressed concerns about additional traffic on Nash Road. Two (2) citizens supported the request because it complies with the Plan and the revised proffered conditions will require Nash Road to be reconstructed.

Mr. Litton stated the existing road conditions were a major concern and provided that the current proposal to reconstruct Nash Road will address this concern.

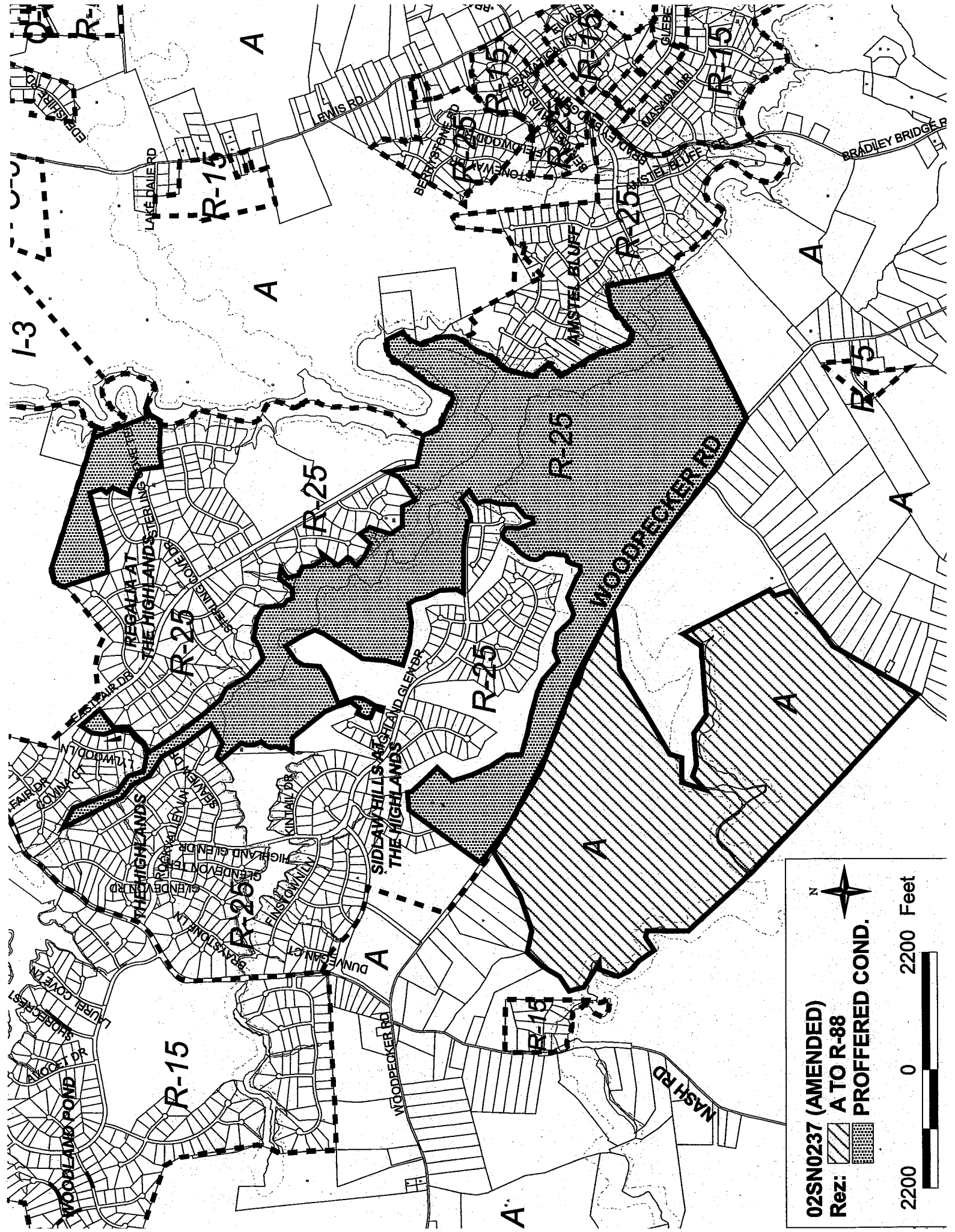
Mr. Stack added that the current proposal will assure benefit to the area because the road reconstruction will occur immediately with the projects' development.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission acknowledged the withdrawal of Proffered Condition 5 and recommended approval of the request and acceptance of the proffered conditions on pages 2 through 5.

AYES: Unanimous.

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The Board of Supervisors, on Wednesday, July 23, 2003, beginning at 7:00 p.m., will take under consideration this request.



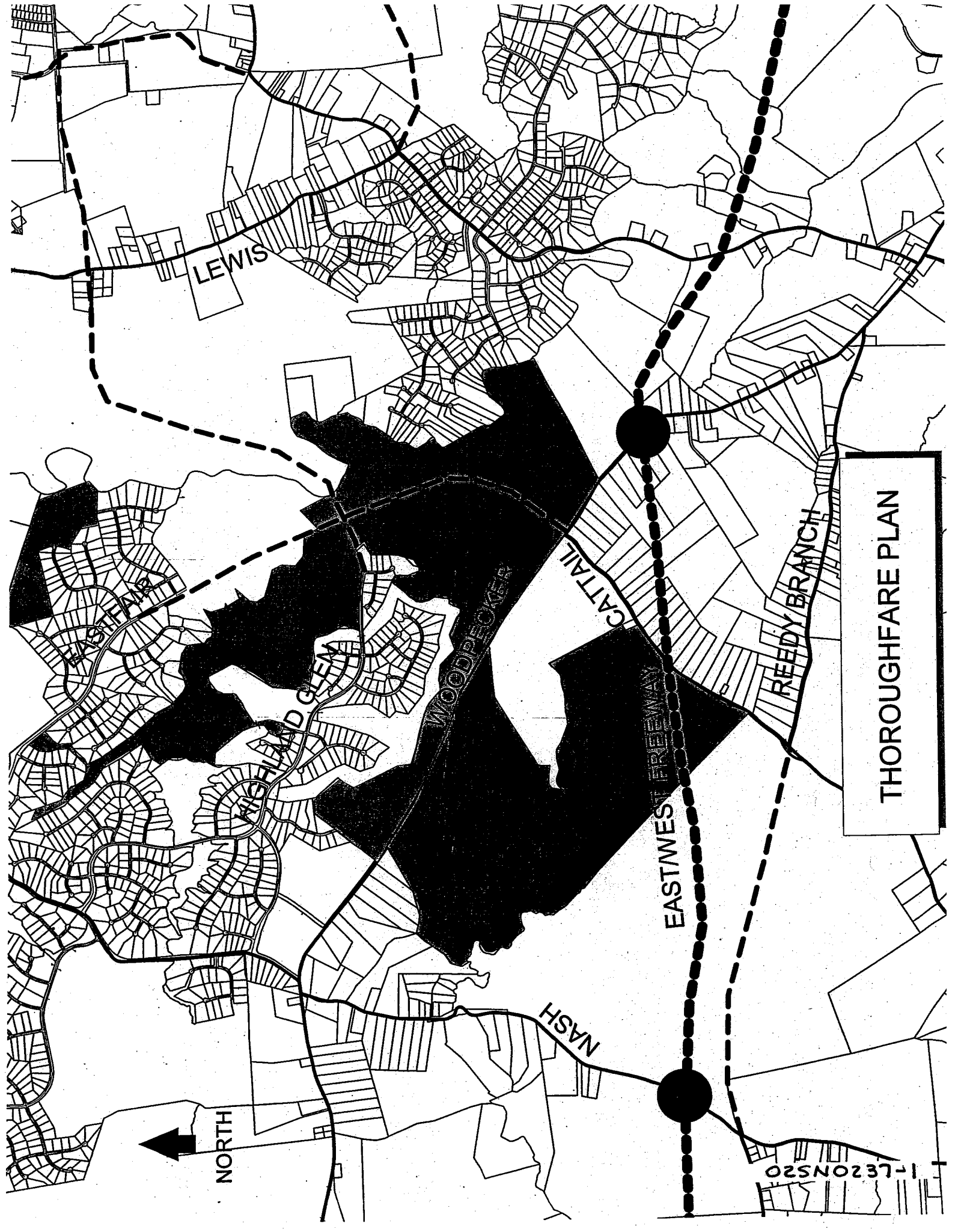
02SN0237 (AMENDED)

Rez: A TO R-88

PROFFERED COND.



2200 0 2200 Feet



THOROUGHFARE PLAN

NORTH  
↑

1-1520NS20

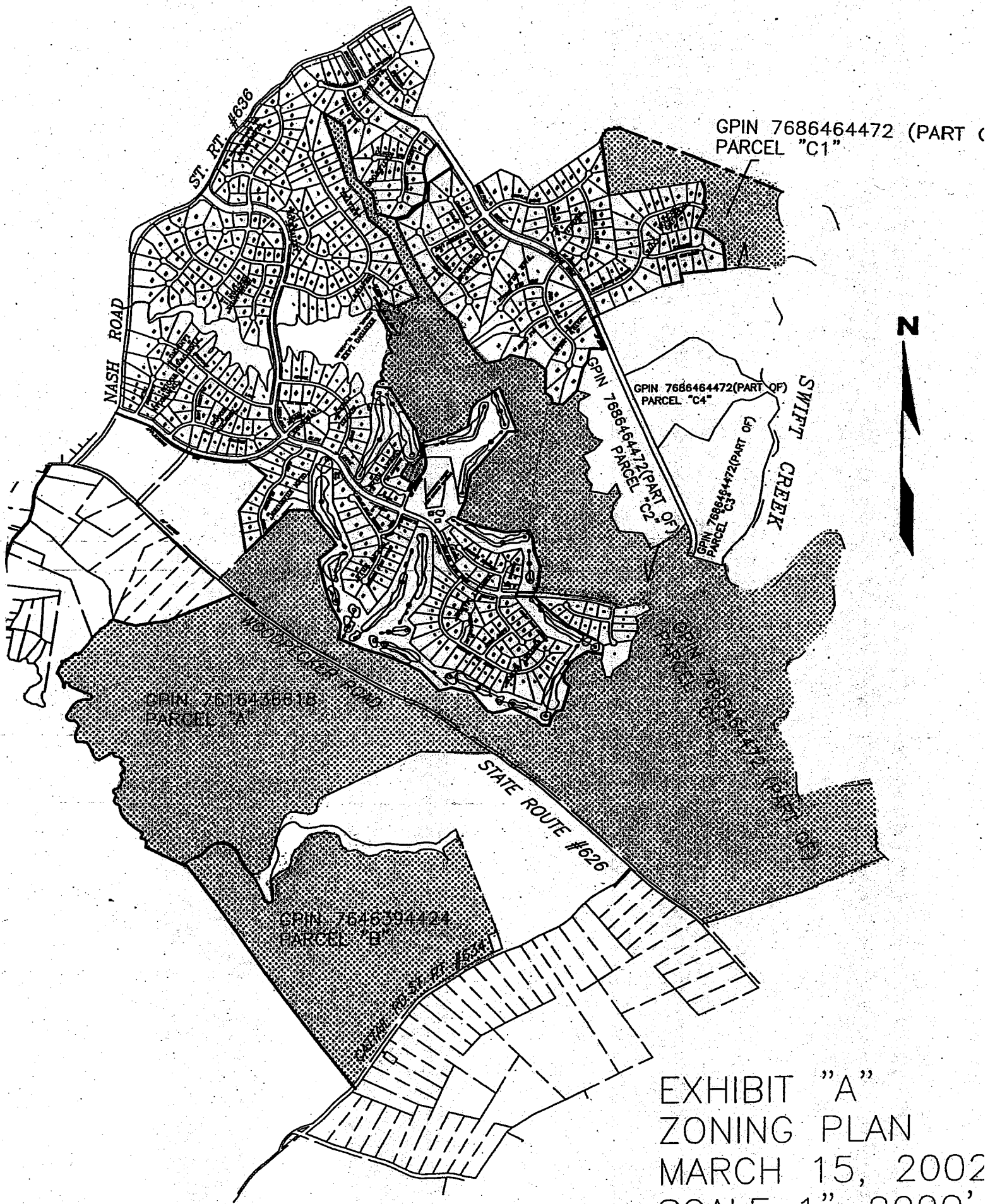


EXHIBIT "A"  
ZONING PLAN  
MARCH 15, 2002  
SCALE 1"=2000'  
02SN0237-2